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Levi Strauss & Co.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE EX PARTE APPLICATION OF)
NEW YORKER S.H.K. JEANS GMBH & CO.)
KG)
Applicant,)
FOR AN ORDER PURSUANT TO 28 U.S.C.)
§ 1782 TO TAKE DISCOVERY FOR USE IN A)
FOREIGN PROCEEDING,)
_____)

Case No.: 4:24-mc-80294-HSG
**STIPULATION AND ORDER
SETTING DISCOVERY
BRIEFING SCHEDULE**

Applicant New Yorker S.H.K. Jeans GmbH & Co. KG's ("New Yorker") and Respondent Levi Strauss & Co. ("Levi Strauss"), by and through their respective counsel, hereby submit this Stipulation for a briefing schedule on New Yorker's *ex parte* application for granting discovery pursuant to 28 U.S.C. § 1782 ("Application"). ECF 1.

WHEREAS, New Yorker seeks the production of “All Agreements entered into between [Levi Strauss] and any other Person Concerning the Arcuate trademarks between January 1, 2001 and continuing to the present,” as further defined in the form of Subpoena filed on December 2, 2024 [ECF 1-1] with New Yorker’s *ex parte* Application for granting discovery pursuant to 28 U.S.C. § 1782, for use in a pending proceeding between the parties in Kiel, Germany;

WHEREAS, Levi Strauss filed an *ex parte* application for an order setting further proceedings on January 3, 2025 [ECF 9], and New Yorker filed a non-opposition to Levi Strauss’s application on January 7, 2025 [ECF 10];

WHEREAS, the Court granted Levi Strauss’s application for an order setting further proceedings on January 8, 2025, directing the parties to submit a proposed order either resolving the New Yorker Application or setting a briefing schedule for resolving it [ECF 11];

WHEREAS, the parties met and conferred on December 20, 2024, January 3, 2025, and January 10, 2025, regarding New Yorker’s request for production of the Arcuate agreements and the course of these proceedings;

WHEREAS, the parties have been unable to come to agreement to date for a variety of reasons that will be addressed in their forthcoming briefs;

THEREFORE, IT IS HEREBY STIPULATED, by and between the parties hereto, by and through their counsel of record, that the following briefing schedule for resolving New Yorker’s request for production of the agreements is:

Date	Event
January 24, 2025	Levi Strauss shall file its opposition to New Yorker’s Application.
February 7, 2025	New Yorker shall file its reply to Levi Strauss’ opposition.
March 13, 2025	Hearing

1 Dated: January 16, 2025

Respectfully submitted,

2 By: /s/ Kenneth R. O'Rourke
Kenneth R. O'Rourke

By: /s/ Gregory S. Gilchrist
Gregory S. Gilchrist

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12 *Attorneys for Applicant*
13 *New Yorker S.H.K. Jeans GmbH & Co. KG*

Attorneys for Respondent
Levi Strauss & Co.

14
15 **FILER'S ATTESTATION**

16 I, Kenneth R. O'Rourke, attest that the other signatories, as indicated by a conformed
17 signature (/s/) within this e-filed document, have concurred to its filing.


18
19 Dated: January 16, 2025

By: /s/ Kenneth R. O'Rourke
Kenneth R. O'Rourke

ORDER

For Good Cause, it is So Ordered.

Dated: 1/17/2025


Hon. Haywood S. Gilliam Jr.
United States District Judge